

REMARKS

The Office Action dated July 2, 2007 has been received and reviewed by the applicant. Claims 33-35, 47-53, 60, 61, 64 and 67 are in the application. New claims 68-75 are presented. Claims 33-37, 47-53, 60, 61, 64 and 67 currently stand rejected.

Nonstatutory Double Patenting Rejection

Claims 33, 34, 35, 47 and 51 stand provisionally rejected as being unpatentable over claim 1 of co-pending application no. 11/611/190. Claims 33-37, 47-53, 60, 61, 64 and 67 stand rejected as being unpatentable over any of one of the independent claims 1, 2, or 4 of US Patent No. 6,362,808 as modified by subsequent reissue patent, RE 39,161.

In order to expedite the prosecution of the present application, Applicants are enclosing herewith Terminal Disclaimers and the appropriate fee under 37 C.F.R. § 1.20(d) in order to overcome these rejections. As such, Applicants respectfully request withdrawal of these rejections.

Claims Rejection - 35 U.S.C. §112

Claims 33-37, 47-53, 60, 61, 64 and 67 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Applicant has amended the claims in view of the Examiner's helpful comments. As amended it is believed that claims 33-37, 47-53, 60, 61, 64 and 67 are in condition to overcome the noted rejection under 35 USC 112, second paragraph. With specific regard to independent claims 33, 34, 35, 47 and 51, applicants have removed the recitation that the user preferences include color conversion preferences in order to expedite prosecution of the application. Although applicant does not agree that the specification does not "clearly: describe user preferences to include color conversion preferences. Especially since the user preferences are inputs to the color transformer (214) that controls the color conversion. Also, by providing user preferences regarding absolute and relative colormetrics, viewing conditions and illuminant functions as mentioned in page

18, lines 11-14, the user preferences do in fact encompass "color conversion" preferences.

New Claims:

New independent claims 68-75 are presented. New claims 68-75 are believed to be in condition for allowance in view of the cited references. Support for new claim 68 can be found at page 33, line 17 to page 34, line 9. Support for new claims 69 and 70 can be found at page 11, line 2 to line 13 and from US patent 6108442 (col. 5, lines 34-55 and col. 7 lines 20-32) that was incorporated by reference. Support for new claim 71 can be found at page 15, line 5 to line 22. Support for new claim 72 can be found at page 17, line 5 to 16. Finally, support for new claims 73-75 can be found at page 13, line 3 to line 15.

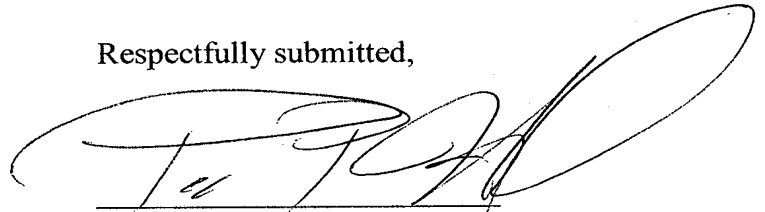
CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance. Accordingly, reconsideration and favorable action are respectfully requested.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.